

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 899 - HB 993

March 1, 2016

**SUMMARY OF ORIGINAL BILL:** Expands the scope of authority for the Board of Medical Examiners (BME) in the regulation of X-ray operators. Requires the BME to regulate operators of radiological imaging and radiation therapy equipment or machines in physicians' offices, hospitals, outpatient diagnostic centers, and recuperation centers. Requires the BME to establish limited radiography certifications and full licenses for radiological imaging and radiation therapy licenses. The approval of an individual's application for full radiological imaging or radiation therapy licensure will be dependent on such individuals attainment of national certification from the American Registry of Radiologic Technologists (ARRT), the Nuclear Medicine Technology Certification Board, or any nationally recognized radiologic imaging or radiation therapy certification organization recognized by the BME. The BME will retain the authority to establish minimum education courses, curriculum, hours, and standards prerequisite to the issuance of any license

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$8,600/One-Time/Board of Medical Examiners  
\$90,900/Recurring/Board of Medical Examiners

Other Fiscal Impact - The Board of Medical Examiners is required to be self-supporting. If the \$99,500 in increased expenditures in FY15-16 cannot be covered by current fee revenue, the Board will increase licensure fee amounts to offset the increased expenditures. As of June 30, 2014, the Board had a cumulative reserve balance of \$2,365,965.

**SUMMARY OF AMENDMENT (012984):** Deletes all language of the original bill. Creates the Tennessee Radiologic Imaging and Radiation Therapy Board of Examiners (Board). This Board shall be administratively attached to the Board of Medical Examiners. The Board shall be comprised of 9 members and shall meet at least 2 times per year. Members shall receive per diem and reimbursements for travel and other expenses. Authorizes the Board to establish: limited x-ray machine operator licenses; radiation licenses, rather than limited radiation certificates; full radiologic imaging or radiation therapy licenses; radiography, radiation therapy, magnetic resonance, and nuclear medicine full-scope licenses; and board accreditation for education courses for training of limited x-ray machine operator licenses. Authorizes the Board to: promulgate rules; issue, renew, deny, suspend, or revoke licensure; hire personnel as necessary; set fees for licensure, renewal of licensure, and reciprocal licensure. An effective date of January 1, 2017.

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## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Revenue - \$60,600/FY16-17/Board of Medical Examiners  
\$97,900/FY17-18 and Subsequent Years/  
Board of Medical Examiners**

**Increase State Expenditures - \$60,600/FY16-17/Board of Medical Examiners  
\$97,900/FY17-18 and Subsequent Years/  
Board of Medical Examiners**

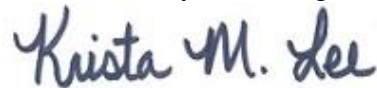
Assumptions for the bill as amended:

- The Tennessee Radiologic Imaging and Radiation Therapy Board of Examiners (“Board”) will be administratively attached to the Board of Medical Examiners.
- Currently, full X-ray certifications are obtained from the Board of Medical Examiners (BME), the Board of Chiropractic Examination, the Board of Podiatric Medical Examiners, and the Board of Osteopathic Examination by submitting a certification issued by the ARRT. This legislation will place all certifying and licensing duties under the BME.
- As of December 31, 2014, there were 3,927 individuals certified by the following health related boards as X-ray operators:
  - BME - 3,672
  - Board of Podiatric Medical Examiners - 130
  - Board of Chiropractic Examiners - 110
  - Board of Osteopathic Examination - 15
- According to the Department of Health, there are approximately 5,480 individuals with ARRT certification in the state that work in hospitals, outpatient diagnostic centers, and recuperation centers who all would be required to obtain licensure. It is unclear how many current ARRT-certified individuals are also licensed by a health related Board; however, based on information provided by the Department, there will be a substantial increase in the number of individuals requiring certifications and licensure from BME. At a minimum, there are 1,553 new individuals that would be required to become certified or licensed by BME (5,480 - 3,927).
- The Board will establish any necessary rules to effectuate the purposes of this act.
- The Board will require two new positions, one regulatory board administrative assistant-1 position and one licensing technician position in order to handle the additional workload from newly certified or licensed individuals expected to result from this legislation.
- A recurring increase in state expenditures for two positions of \$91,712 (salaries \$60,828 + benefits \$26,884 + communications \$2,800 + supplies \$1,200).
- A one-time increase in expenditures of \$8,600 (office furniture \$5,400 + desktop computer \$3,200).
- Board members are entitled to per diem and reimbursement for travel and other expenses.

- Travel and per diem expenses of \$343.59 per member per meeting (\$204 per diem plus \$139.59 per mileage for each member).
- There will be nine Board members.
- There will be two meetings in FY16-17 to establish the Board and all administrative procedures and then two meetings per year thereafter.
- A recurring increase in state expenditures of \$6,185 (9 members x \$343.59 x 2 meetings) for each one-day meeting.
- An effective date of January 1, 2017; therefore, all one-time expenditures and one-half of recurring expenditures relative to new positions will be incurred in FY16-17.
- The total increase in state expenditures in FY16-17 is estimated to be \$60,641 (\$91,712 x 50.0%) + \$8,600 + \$6,185).
- The recurring increase in state expenditures beginning in FY17-18 is estimated to be \$97,897 (\$91,712 + \$6,185)
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over any two year period.
- The BME will offset this increase in additional expenditures with fee revenue collected from application, certification, and licensure fees collected by new and current licensees. Any excess expenditure over revenue collected by the Board will subsequently result in an increase in Board fees to cover such excess expenditures.
- The BME had an annual deficit of \$75,431 in FY13-14, an annual surplus of \$359,446 in FY14-15, and a cumulative reserve balance of \$2,725,411 on June 30, 2015.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb